

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1-17 were pending. By this paper, claims 1-6, 8-12, 14, 15, and 17 have been cancelled without prejudice or disclaimer, claims 7, 13 and 16 have been amended, and new claim 18 has been added herein. Claim 7 was amended to

As to matters of form, the office action rejected claim 11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. [06/18/2007 Office Action at 2].

As to the merits, the office action rejected claims 1 and 16 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0030744. [06/18/2007 Office Action at 3]. The office action also rejected claims 1 and 16 under § 102(b) as allegedly being anticipated by U.S. Patent Publication No. 2002/0018134. [06/18/2007 Office Action at 3]. Lastly, the office action rejected claims 1-9 and 11-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,035, 137 to Kaneko et al. ("Kaneko") in further view of U.S. Patent No. 5,589,907 to Hozumi et al. ("Hozumi"). [06/18/2007 Office Action at 4].

The rejections to claims 1-6, 8-12, 14, 15, and 17 are respectfully asserted to be moot in light of their cancellation.

B. Claims 7, 13, 16 are Patentably Distinct from the Cited References

The rejections of claims 7, 13, 16 are respectfully traversed. As explained more fully below, the requirements for such rejections are not met.

Applicant's claim 7 recites:

An operation apparatus which is used with a device
for image-taking; comprising:

a display member which displays an information
concerning a function of the device; and

a first operation switch for setting the function
according to a text information displayed on the
display member,

wherein the device is a lens apparatus which has an
optical adjusting member, and the operation
apparatus is a drive unit which has a second
operation switch for driving the optical adjusting
member,

wherein by operating the first operation switch, a
parameter which decides the relationship between
the driving speed of the optical adjusting member
and the operation amount of the second operation
switch can be set.

The office concedes that Kaneko does not teach, disclose or suggest "a display member which displays an information concerning a function of the device" as recited in Applicant's claim 7. [06/18/2007 Office Action at 5]. Kaneko is directed to a drive unit for a zoom lens apparatus. [Kaneko, col. 1, lines 6-8]. Among other things, the drive unit contains a seesaw control switch, a quick zoom switch and a maximum zoom rate control. [Kaneko, col. 4, line 6, to line 31]. These switches operate together to perform the zooming operation of the zoom lens apparatus. Depending on how it pressed, the seesaw switch allows a user to zoom the lens to a telephoto or wide angle direction. [Kaneko, col. 4, lines 6-11]. The quick zoom switch

is a push button that when pressed zooms the zoom lens toward the telephoto end at a preset zoom rate. [Kaneko, col. 4, lines 24-29]. The maximum zoom rate control is a switch that controls the maximum rate. The more it is rotate clockwise, the higher the maximum rate is set. [Kaneko, col. 4, lines 30-38]. However, Kaneko does not mention a display member. Accordingly, Applicant's review of Kaneko confirms that it does not teach, disclose or suggest "a display member which displays an information concerning a function of the device" as recited in Applicant's claim 7.

Nor does Kaneko teach, disclose or suggest "the operation apparatus has a function in which at least one of a plurality of functions having the device is allocated to a third operation switch provided on the operation apparatus by operating the first operation switch" as recited in Applicant's claim 13.

However, the office action asserts that Hozumi teaches the display member of Applicant's claim 7, and that it would have been obvious for a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hozumi with those of Kaneko to get the "operation apparatus" recited in Applicant's claim 7. [See 6/18/2007 Office Action at 5-7]. In pertinent part, Hozumi discloses a display member that displays shutter speed, aperture, film exposure counter, or film speed. [Hozumi, col. 4, lines 12-14]. However, Hozumi does not teach suggest that, "by operating the first operation switch, a parameter which decides the relationship between the driving speed of the optical adjusting member and the operation amount of the second operation switch can be set." Moreover, Hozumi does not recognize the operability problems linked to a drive unit attached to a conventional television lens apparatus, such as which are disclosed in Applicant's application as originally filed at paragraphs 0010 to 0012. Hence, the Hozumi is not directed to the problem to be solved by Applicant's claimed invention. Therefore,

there is no suggestion or motivation to combine the teachings of Kaneko and Hozumi. M.P.E.P. § 2143.01 ("The level of skill in the art cannot be relied upon to provide the suggestion to combine references," Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999); rather, there must be some objective reason to combine the references). Accordingly, Applicant respectfully asserts that the office action has not established a *prima facie* case of obviousness.

Accordingly, Applicant respectfully asserts that it would not have been obvious for a person of ordinary skill in the art at the time of the invention to combine the teachings of Kaneko and Hozumi to get the operation apparatus disclosed in Applicant's claim 7. Therefore, independent claim 7 and its dependent claim 16 are respectfully asserted to be in condition for allowance. For at least similar reasons, independent claim 13 is asserted to be in condition for allowance as well.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind the documents cited by the office action or to otherwise submit evidence to traverse the rejection at this time. Applicant, however, reserves the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

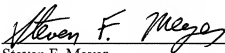
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5591.

Respectfully submitted,
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